

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRAVIS MORIN,

Petitioner,

-against-

EARL BELL,

Respondent.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

18-CV-05768 (PMH)

PHILIP M. HALPERN, United States District Judge:

On October 17, 2013, Travis Morin (“Petitioner”) was convicted—following a jury trial in the New York State Supreme Court, Westchester County—of Robbery in the Second Degree and Unlawful Imprisonment in the First Degree. (Trial Tr.<sup>1</sup> at 2138-78, 2217). Petitioner was thereafter sentenced to a term of fifteen years’ imprisonment followed by five years’ post-release supervision for the robbery conviction. (Sentencing Tr.<sup>2</sup> at 13-14). He was sentenced to one-and-one-third to four years’ imprisonment for the false imprisonment conviction, which was to run concurrently with his robbery sentence. (*Id.* at 14).

On June 16, 2018, Petitioner initiated the instant action—a Petition for a Writ of *Habeas Corpus* Pursuant to 28 U.S.C. § 2254—to challenge both the above-referenced convictions and sentences. (Doc. 3). Respondent opposed the Petition on September 6, 2018 (Doc. 9), accompanied by a supporting memorandum of law (Doc. 10).

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<sup>1</sup> Refers to the transcript of the trial held before the Hon. Robert A. Neary on September 16-19, 23, 25, 30 and October 2, 3, 7-11, 15-17, 2013.

<sup>2</sup> Refers to the transcript of Petitioner’s sentencing before the Hon. Robert A. Neary, which occurred on April 9, 2014.

On June 11, 2021, Magistrate Judge McCarthy issued a Report and Recommendation (“R&R”) recommending that the Petition be denied. (Doc. 19). The R&R advised, in pertinent part, as follows:

Pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule 8(b) of the Rules Governing Section 2254 Cases in the United States District Courts, the parties shall have fourteen (14) days from the receipt of this Report and Recommendation to serve and file written objections. If copies of this Report and Recommendation are served upon the parties by mail, the parties shall have seventeen (17) days from receipt of the same to file and serve written objections.

(*Id.* at 25). Magistrate Judge McCarthy warned further that “[f]ailure to file timely objections to this Report and Recommendation will preclude later appellate review of any order of judgment that will be rendered.” (*Id.* at 25-26). Almost four months have passed since a copy of the R&R was mailed to Petitioner, and no objections have been filed.

“A district court reviewing a magistrate judge’s report and recommendation ‘may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.’” *Antoine v. Warden*, No. 20-CV-05130, 2021 WL 4066654, at \*1 (S.D.N.Y. Sept. 7, 2021) (quoting 28 U.S.C. § 636(b)(1)). “The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record.” *Olivo v. Graham*, No. 15-CV-09938, 2021 WL 3271833, at \*1 (S.D.N.Y. July 30, 2021) (citing *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

Upon a careful and complete review of the R&R, the Court finds no clear error in Magistrate Judge McCarthy’s thorough and well-reasoned analysis, and adopts the R&R in its entirety for the reasons set forth therein. Consequently, the Petition is DENIED.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Petitioner and close this case.

**SO ORDERED:**

Dated: White Plains, New York  
October 8, 2021

A handwritten signature in black ink, appearing to read 'PHM', with a long, sweeping horizontal stroke extending to the right.

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PHILIP M. HALPERN  
United States District Judge